

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dunbar Confirmation No. 1189
Serial No. : 10/761,036 Art Unit: 3733
Filed : 1/20/2004 Examiner: Hoffman, Mary C.
For : Spinal Rod Approximators

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CFR 1.6(a) (4)

March 31, 2010
(Date of Deposit)

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(Signature)

March 31, 2010
(Date of Signature)

Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Applicants note that the non-patent literature (NPL) reference, "Sofamor 'Introduceur - Contreleur De Tige,'" cited on the attached Form PTO/SB/08, lists a date of January 1, 1994. While this date is not present on the NPL document, Applicants enclose herewith a copy of an Information Disclosure Statement filed in a reissue application of U.S. Patent No. 6,790,209. The Form PTO 1449 filed with the Information Disclosure Statement lists the date of the reference as January 1, 1994. The Information Disclosure Statement also states that the rod reducer depicted in the attached NPL document was "shipped to a doctor in New York in June of 1994." Accordingly, based on this information, Applicants list the date of the NPL document as January 1, 1994.

Respectfully submitted,

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DATED: March 31, 2010